



## M.O.E. Policy Manual

POLICY/TITLE LAND USE COMPATIBILITY		NO. 07-03-01
<u>Legislative Authority</u> the Environmental Protection Act the Ontario Water Resources Act the Environmental Assessment Act the Planning Act the Condominium Act		
<u>Statement of Principles</u> <p>This policy identifies the direct interest of the Ministry of the Environment in recommending separation distances and other control measures on land use planning proposals to prevent future incompatibilities between land uses. The policy statement sets the context for all existing and new policies related to land use compatibility. The intent is to achieve a reasonable degree of protection that supplements practicable emission controls, without unduly restricting land use.</p>		
<u>DEFINITIONS</u>		
<u>Buffer</u>	<p>In a land use context, a buffer can be:</p> <ol style="list-style-type: none"><li>1. a space; or</li><li>2. a feature; or</li><li>3. a landuse; or</li><li>4. any combination of the above,</li></ol> <p>interposed between two conflicting land uses for the purpose of reducing or eliminating the adverse effects of one land use upon the other. A buffer may be open space, where distance alone is relied upon to produce the desired results, or it may be a berm, wall, trench, fence, or other structure or plantings, or other land use different from the two conflicting ones, but compatible with both.</p>	
<u>Point of Contact</u>	Manager, Operational Services Section, Approvals Branch	
<u>Effective Date</u>  December 1, 1981		

Influence Area

The area(s) identified around a source(s) of emission subject to one of a number of adverse environmental effects of varying duration, frequency and distance of dispersal.

Buffer Area

The area between an emission source(s) and nearby sensitive land uses where land use controls are used to minimize any significant adverse effects. It can be of variable size, shape and composition to produce the desired results and apply to all or part of an Influence Area.

Land Use Compatibility

A recognized factor and principle of good land use planning, whereby land uses which are known or expected to cause environmental problems for one another, when in proximity, are deemed incompatible and are protected from one another by separation or other means.

Application

The policy applies in all cases where a proposed change in land use has the potential to create significant adverse environmental effects on another land use(s).

This includes application of the policy to municipal planning proposals and other development applications reviewed by the Ministry of the Environment, where the Ministry's advice is requested under other Agencies' Legislation; in particular, in the review of official plans and amendments, zoning by-laws and amendments, plans of subdivision, consents, etc.

The policy is applicable:

- (a) where new residential uses or other sensitive uses are proposed within the influence area of existing emission sources; and/or,

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- (b) where new sources of emission are proposed close enough to existing residential uses, or other sensitive uses, so as to adversely influence them.

1. Objective of Policy

The objective of this policy is to minimize the exposure of humans, including existing and future residents, to the adverse environmental effects of certain incompatible land uses.

2. Scope of Policy

This policy involves all land uses conflicting with residential use, or other sensitive uses, including certain:

2.1 Land Uses

- (a) industrial uses;
- (b) transportation facilities;
- (c) utilities;
- (d) agricultural operations;
- (e) commercial uses; and
- (f) intensive recreational uses.

2.2 Environmental Effects

Certain kinds of adverse environmental effects from these uses are difficult to practically control, at the source, under all circumstances, all of the time. They include:

- (a) noise and vibration;
- (b) gas;
- (c) odour;
- (d) particulates; and
- (e) other contaminants.

3. Policy Statement

It is the policy of the Ministry of the Environment to recommend the separation of incompatible land uses, where necessary, in the review of land use plans as a preventive means of achieving environmental objectives of the Ministry. There is an Influence Area around certain facilities or land uses, subject to emissions, usually of a nuisance

nature, where exposure of residents and other sensitive uses should be minimized. These areas should be identified at an early stage in land use planning. Necessary environmental control measures, such as placing Buffer Areas between emission sources and residential or sensitive land uses, should be applied, to supplement practicable emission controls, but not to take the place of such controls.

4. Policy Implementation

The policy on land use compatibility will be implemented by the Ministry of the Environment in two ways:

1. by staff in reviews of proposed planning documents to the appropriate approval authority;
2. through Regulations, detailed policies, guidelines and studies. In their absence, staff will use best professional judgement and available information.